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Director's Office
Group 3700

In re Application of
SAKURADA ET AL.
Application No.: 09/980,623
Filed: December 05, 2001

DECISION ON PETITION

This is a decision on petitioner's request filed March 4, 2003 to review the holding of abandonment, mailed February 7, 2003. Petitioner alleges non-receipt of the Office Action mailed July 26, 2002.

BACKGROUND

On July 26, 2002, an Office Action was mailed to the correspondence address:

Kanesaka & Takeuchi
727 S 23rd Street
Arlington, VA 22202

On November 11, 2002, applicant filed a change of address with a correspondence address:

Kanesaka & Takeuchi
1423 Powhatan Street
Alexandria, VA 22314

On February 7, 2003, a Notice of Abandonment was mailed to the 1424 Powhatan Street address.

DISCUSSION

The petition is dismissed.

The showing required to establish nonreceipt of an Office communication must include: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)II.

Art Unit: 3743

The instant petition does not comply with item (1) above.

Furthermore, a review of the application record reveals that the Office Action mailed on July 26, 2002 was mailed to the proper address of record, the 727 S 23rd Street address. It is noted that petitioner changed addresses several months after the July 26, 2002 Office action was mailed. It is unclear that petitioner has made a showing that the Office Action mailed July 26, 2002 was not received at the 727 S 23rd Street address. Petitioner must make a clear showing that the Office Action mailed July 26, 2002 was not received at the 727 S 23rd Street address.

Petitioners may file a renewed petition, without fee, addressing the points raised above. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov.


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